

EXHIBIT 7

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 Civil No.: 19 Civ. 08655 (LGS) (GWG)

5 -----x
6 ULKU ROWE,

7
8 Plaintiff,

9
10 - against -

11
12 GOOGLE LLC,

13 Defendant.

14 -----x

15 October 14, 2020

16 9:39 a.m.

17 Videotaped Deposition of ULKU ROWE,
18 taken by Defendant, pursuant to Notice,
19 held via Google Hangouts videoconference,
20 before Todd DeSimone, a Registered
21 Professional Reporter and Notary Public of
22 the States of New York and New Jersey.
23
24
25

1 U. ROWE

2 you know, someone that provides thought
3 leadership, so, you know, a leadership role
4 outside of OCTO.

5 Q. But when he left OCTO, he also
6 took on responsibility for managing a team
7 of people, correct?

8 A. Correct. That's my
9 understanding.

10 Q. When he was in OCTO, was he
11 managing other people?

12 A. I don't remember if -- I don't
13 remember if he did.

14 Q. Have you at any point in time
15 since you have been at Google managed other
16 people?

17 A. I have not.

18 Q. Is that sometimes referred
19 to --

20 A. Well, other than my executive
21 assistant.

22 Q. Is that sometimes referred to
23 as an individual contributor?

24 A. Yes.

25 Q. So you have been an individual

1 U. ROWE

2 contributor your entire time at Google,
3 correct?

4 A. Correct.

5 Q. Was Mr. Harteau an individual
6 contributor when he first joined the
7 company in OCTO?

8 A. Yes.

9 Q. But he was not when he left
10 OCTO and joined engineering, he was no
11 longer an individual contributor, right?

12 A. That's my understanding.

13 Q. Is Royal Hansen an individual
14 contributor?

15 A. I don't believe so.

16 Q. He manages other people, right?

17 A. Yes.

18 Q. What about Jonathan Donaldson,
19 is he an individual contributor?

20 A. He was an individual
21 contributor when we were first hired into
22 OCTO. I think today he does manage people.

23 Q. Do you know at what point in
24 between him joining OCTO and today he
25 stopped being an individual contributor and

1 U. ROWE

2 responsibilities. The same as whom?

3 A. So the same -- so everyone in
4 OCTO has similar.

5 Q. So it is similar to what you
6 do?

7 A. Correct.

8 Q. Do you know what his experience
9 was before coming to Google?

10 A. I don't remember right now.

11 Q. Did you ever know?

12 A. I think he worked for a
13 consulting company, but I can't remember
14 right now.

15 Q. Do you know what his
16 educational background is?

17 A. I believe he has a Ph.D., but I
18 may be wrong.

19 Q. Do you have a Ph.D.?

20 A. I don't have a Ph.D.

21 Q. Do you know what his Ph.D. is
22 in?

23 A. I don't.

24 Q. But you and Mr. Penberthy do
25 the same thing, is that fair to say?

1 U. ROWE

2 A. We have similar
3 responsibilities.

4 Q. Sufficient for you to consider
5 Mr. Penberthy to be similarly situated to
6 you, correct?

7 A. So I have since learned that,
8 you know, Scott is at level 8, but I think,
9 what I believe, is my experience and my
10 qualifications are in line with the level 9
11 men in OCTO.

12 Q. But he is similarly situated to
13 you, correct, Mr. Penberthy?

14 A. Incorrect.

15 Q. You gave an answer under the
16 penalty of perjury in your interrogatory
17 response that Scott Penberthy is similarly
18 situated to you, right?

19 A. Well, at that time, you know, I
20 thought he was a level 9, and through
21 discovery I learned that he was a level 8.

22 Q. So that changes your answer,
23 right?

24 A. So, look, I don't know every
25 single qualification and everything that

1 U. ROWE

2 Scott does. I do know we're both members
3 of OCTO, but, you know, I am comparing
4 myself to the level 9 men in OCTO, and I'm
5 claiming that, you know, we are similarly
6 situated.

7 Q. So do you want to change your
8 interrogatory answer? You are here
9 testifying under oath. So is it your
10 testimony now today on October 14th of 2020
11 that Scott Penberthy is not similarly
12 situated to you because he is a level 8; is
13 that your testimony?

14 MS. GREENE: Objection.

15 Q. Is that your testimony?

16 A. Look, I'm just saying, you
17 know, what I'm comparing myself is to L9
18 men.

19 Q. I understand that is your
20 claim, Ms. Rowe, but this interrogatory
21 didn't ask you that question. This
22 interrogatory asked you who was similarly
23 situated.

24 You testified earlier today
25 that you knew what that term meant and you

1 U. ROWE

2 testified that these answers were true and
3 correct. And so I'm asking you now, do you
4 want to change -- do you want to change
5 your answer and say that Scott Penberthy is
6 not similarly situated to you; is that your
7 answer?

8 MS. GREENE: Objection.

9 A. I don't know how to answer that
10 question. I guess --

11 Q. Let me ask a simpler question.

12 A. What I'm saying is --

13 Q. I'm going to ask a simpler
14 question, Ms. Rowe.

15 A. Fine.

16 Q. You are under oath today,
17 right?

18 A. Yes.

19 Q. Is, using your definition of
20 similarly situated, is Scott Penberthy
21 similarly situated to you?

22 A. No.

23 Q. And is that because he is a
24 level 8?

25 A. Well, it is because that, you

1 U. ROWE

2 know, I am comparing myself to the level 9
3 men and their skill sets and their
4 experiences versus mine. You know, and
5 that's the reason I'm including the level 9
6 men. So if I was putting this response
7 into Interrogatory No. 5 today, I would not
8 include Scott Penberthy.

9 Q. Is there anyone else you want
10 to strike from the list?

11 MS. GREENE: Objection.

12 Q. You can answer.

13 A. No, I can't think of any
14 others, no.

15 Q. When did you learn that Scott
16 Penberthy was a level 8?

17 A. Through discovery. I don't
18 remember the exact time.

19 Q. And at the point you learned he
20 was a level 8, is that when you no longer
21 considered him to be similarly situated to
22 you?

23 A. Yes.

24 Q. I'm sorry, was your answer yes?

25 A. So, look, I don't know

1 U. ROWE

2 everything about Scott, and I don't know
3 about his qualifications, and I'm not
4 comparing my qualifications to his. I am
5 comparing my qualifications to the men at
6 level 9 at Google Cloud eng, and so I
7 learned that Scott was at a level 8, so I
8 don't compare myself to him.

9 Q. But I'm asking you to compare
10 yourself to him right now, okay? So let me
11 ask you a few questions about that.

12 Do you and Mr. Penberthy do the
13 same job?

14 A. No.

15 Q. You don't? What's different
16 about the job that you do in contrast to
17 the job that Mr. Penberthy does?

18 A. Our jobs are similar, they are
19 not exactly the same.

20 Q. Tell me how they are different.

21 A. Look, I don't know everything
22 that Scott does on a day-to-day basis. I
23 don't have insight into, you know, his day
24 or exactly what he does. I think in
25 general we do, you know, similar things,

1 U. ROWE

2 like everybody in OCTO, but I don't know --
3 I don't know how to compare myself to him.

4 Q. Well, you certainly know more
5 about what Mr. Penberthy does than you know
6 about what Royal Hansen does, right?

7 A. I have better -- I have better
8 insight into it.

9 Q. Into what Mr. Penberthy does,
10 right?

11 A. Yes.

12 Q. Well, you quite confidently
13 said you were similarly situated to Royal
14 Hansen, and you know more about what
15 Mr. Penberthy does. So my question to you
16 is, is Scott Penberthy similarly situated
17 to you?

18 MS. GREENE: Objection.

19 A. No.

20 Q. Why not?

21 A. Look, I don't know. Maybe the
22 better answer is to say I don't know,
23 because what I do know is I compare myself
24 to level 9's and I believe we are similarly
25 situated. With Scott, I don't know.

1 U. ROWE

2 Q. It's because you found out he
3 is a level 8 and you don't want him to be
4 similarly situated, right?

5 MS. GREENE: Objection.

6 A. No.

7 Q. Then why?

8 A. Because I'm not comparing
9 myself to him.

10 Q. So is it fair to say, then,
11 Ms. Rowe, that you identified people in
12 response to Interrogatory 5 who you are
13 comparing yourself to?

14 MS. GREENE: Objection.

15 A. No.

16 MR. GAGE: Could you reread
17 that answer. I didn't hear it.

18 (The record was read.)

19 Q. What about Jon Saxe, what does
20 Jon Saxe do at Google?

21 A. I believe he is an eng director
22 at Google. Sorry, to be honest, sorry, I
23 don't know if he is still doing that. You
24 know, at the time he did.

25 Q. You said to be honest. We do

1 U. ROWE

2 want you to be honest, okay?

3 Do you know what Jon Saxe does
4 currently at Google?

5 A. I don't.

6 Q. Was there a point in time when
7 you did know what Jon Saxe does?

8 A. I did.

9 Q. What level is he?

10 A. I don't know.

11 Q. Do you think he is a level 8?

12 A. I think he is either a level 9
13 or a level 10.

14 Q. If he were a level 8, would he
15 be similarly situated to you?

16 MS. GREENE: Objection.

17 A. That's not who I'm comparing
18 myself to.

19 Q. So you're not comparing
20 yourself to Jon Saxe?

21 A. Sorry, I'm not comparing myself
22 to level 8's.

23 Q. But you don't know what level
24 Mr. Saxe is, right?

25 A. So right now I can't recall.

1 U. ROWE

2 Q. And if Mr. Saxe were a level 8,
3 would he be similarly situated to you?

4 A. I don't know.

5 Q. Earlier you said you understood
6 Interrogatory No. 5 and that you answered
7 it under oath. So are you changing your
8 testimony, do you not understand
9 Interrogatory No. 5?

10 MS. GREENE: Objection.

11 A. No, I understand -- I
12 understand it.

13 Q. So you understand Interrogatory
14 No. 5. You previously said under oath that
15 Scott Penberthy is similarly situated,
16 right?

17 A. Correct.

18 Q. But then today, because you now
19 know Scott Penberthy is a level 8, and
20 you're not comparing yourself to level 8's,
21 you have changed your answer and said that
22 he, Scott Penberthy, is not similarly
23 situated, right?

24 MS. GREENE: Objection.

25 A. All I'm saying -- no, that's

1 U. ROWE

2 not what I'm saying.

3 Q. So I have no idea what you're
4 saying, Ms. Rowe. I want to know, today,
5 sitting here right now, you tell me, is
6 Scott Penberthy similarly situated to you?

7 A. I don't know.

8 Q. When you signed and verified
9 these interrogatories under oath, did you
10 know whether Scott Penberthy was similarly
11 situated?

12 MS. GREENE: Objection.

13 A. I thought he was similarly
14 situated.

15 Q. And what's changed since then?

16 A. Because at the time I wasn't
17 sure 100 percent either, and now I'm not --
18 I'm not sure. That was my belief at the
19 time, right.

20 Q. What has changed since then
21 besides you finding out that Mr. Penberthy
22 is a level 8?

23 A. I don't know.

24 Q. Nothing else has changed, has
25 it? Right?

1 U. ROWE

2 A. Well, nothing has changed. I'm
3 still saying I know my qualifications. I
4 know everyone else's qualifications.

5 Q. Ms. Rowe, I'm not asking you to
6 argue your case. That's up to your lawyer,
7 that is your lawyer's job, they are very
8 capable lawyers, you have hired very
9 capable lawyers and they will argue your
10 case. I am asking you for your knowledge.
11 I'm asking you about your interrogatory
12 responses.

13 And you identified Scott
14 Penberthy as someone who you believed was
15 similarly situated in your interrogatory
16 response. Today you have changed that
17 answer and said he is not similarly
18 situated. And I'm asking you what, other
19 than finding out that he is a level 8, has
20 changed since then?

21 MS. GREENE: Objection.

22 A. So I'm saying at the time I
23 thought he was similarly situated, and
24 right now I'm not sure if he is similarly
25 situated.

1 U. ROWE

2 Q. But that wasn't my question.
3 My question was, what has changed since you
4 signed your interrogatory responses other
5 than you finding out that he is a level 8?

6 A. I don't know.

7 Q. Nothing else has changed, has
8 it?

9 A. I don't know.

10 Q. Why not? Why don't you know?

11 MS. GREENE: Objection.

12 A. I don't know.

13 Q. So is it your testimony right
14 now that Scott Penberthy is not similarly
15 situated to you; is that your testimony?

16 A. My testimony right now is I am
17 not sure.

18 Q. So are you sure that Royal
19 Hansen is similarly situated to you?

20 A. To the best of my
21 understanding.

22 Q. Why are you sure that Royal
23 Hansen is similarly situated to you and
24 you're not sure one way or the other about
25 Scott Penberthy?

1 U. ROWE

2 MS. GREENE: Objection.

3 A. I didn't say I was sure. I was
4 saying to the best of my knowledge.

5 Q. Are you sure about any of these
6 answers to Interrogatory No. 5?

7 MS. GREENE: Objection.

8 A. Lock, these are -- these are --
9 is it 100 percent? No. Do I believe that
10 they are right? Yes.

11 Q. So is Scott Penberthy 100
12 percent wrong, is that answer 100 percent
13 wrong?

14 MS. GREENE: Objection.

15 A. Sorry, ask the question again.

16 Q. You just said I believe that
17 you don't know whether your answer to
18 Interrogatory No. 5 is 100 percent correct.
19 Did I hear that correctly?

20 A. I'm saying that these are my
21 best understanding. I believe them to be
22 correct, but am I 100 percent sure that
23 they are correct? No.

24 Q. And for Scott Penberthy, you
25 have learned that he is a level 8 and now

1 U. ROWE

2 you don't think he is similarly situated,
3 correct?

4 A. So I learned that he is level 8
5 and it makes me question whether he is.

6 Q. So did you just put people on
7 here who you believed to be at a higher
8 level than you?

9 MS. GREENE: Objection.

10 A. No.

11 Q. So do you believe that Royal
12 Hansen is similarly situated to you?

13 MS. GREENE: Objection, asked
14 and answered.

15 A. Yes.

16 Q. Do you believe that Scott
17 Penberthy is similarly situated to you?

18 MS. GREENE: Objection.

19 A. I don't know.

20 Q. Why do you know -- why do you
21 have an answer for Royal Hansen and not for
22 Scott Penberthy?

23 A. Look, I know my own
24 qualifications. I know --

25 Q. I'm not asking you about your

1 U. ROWE

2 comparable.

3 Q. How are they different?

4 A. I don't know what he does on a
5 day-to-day basis, so I don't know, you
6 know, what he does that might be different,
7 but what I do know is that, you know, he
8 does provide, you know, product and
9 engineering guidance. He does provide
10 thought leadership. He works across the
11 organization. And he does have -- he does
12 have, you know, client facing, and
13 understanding his clients and building
14 product type responsibilities.

15 Q. Does he write code as part of
16 his job?

17 A. I don't know.

18 Q. Do you?

19 A. I don't, not production code.

20 Q. Have you ever, since you have
21 been at Google?

22 A. So I have written code, but I
23 have not contributed code to Google's
24 products, if that's what you are asking.

25 Q. Do you know anyone else who is